

REMARKS

Applicant replies to the Office Action mailed on December 17, 2008, the statutory period of response is up to and including March 17, 2009. Applicant thanks the Examiner for the telephonic interview on January 12, 2008.

To date, Applicant has previously withdrawn claims 1, 3-6, 13-64 and 69-71 pursuant to a Restriction Requirement dated December 27, 2004 and cancelled claims 2, 7-12, 65-68 and 72-111. Additionally, without admission or waiver, Applicant hereby adopts Examiner's suggestion for allowable, claimed subject matter by amending claims 112, 114, 119, and 122 and by cancelling claim 131. Support for these Amendments to the claim listing may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these Amendments. Upon entry of the foregoing Amendments, Applicant respectfully requests allowance of the pending 19 claims (1 independent claim, 19 claims total) in light of the following Remarks.

In accordance with the interview and interview summary dated January 13, 2008, Applicant hereby adopts the exemplary, independent claim allowed by the Examiner (See currently amended claim 112). Accordingly, Applicant requests allowance of the instant application for patent and the claimed subject matter as presently recited.

Claim Rejections under 35 USC § 102(b) /103(a)

I. U.S. Patent 6,090,251 (Sundberg et al.)

Claims 112-116, 120-123, 126, 127, 130, and 131 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,090,251 to Sundberg et al. ("Sundberg"). Specifically, the Examiner incorrectly asserts that Sundberg teaches a "plurality of parallel channels" with

equivalent structure, function, and result as disclosed and taught by the instant application for patent. Notwithstanding the foregoing, in order to assist with efficient prosecution, Applicant has amended independent claim 112, without admission or waiver, to adopt the exemplary, independent claim allowed by the Examiner. All remaining claims 113-130 depend from amended independent claim 112 and, thus, are similarly allowable. Additionally, claim 131 is herein, without admission or waiver, cancelled.

Accordingly, Applicant submits that amendment of claim 112, the housekeeping amendments to claims 114, 119, and 122, and the cancellation of claim 131 renders these rejections moot and requests withdrawal of any rejections of these claims.

2. U.S. Patent 6,090,251 (Sundberg et al.) and/or U.S. Patent 4,797,211 (Ehrfeld et al.) in view of U.S. Patent Publication US 2004/0248167 (Quake et al.) and/or U.S. Patent 5,204,525 (Hillman et al.)

Claims 112-131 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,090,251 to Sundberg et al. (“Sundberg”), and/or U.S. Patent No. 4,797,211 to Ehrfeld et al. (“Ehrfeld”), and/or U.S. Published Patent No. US 2004/0248167 to Quake et al. (“Quake”), and/or U.S. Patent No. 5,204,525 to Hillman et al. (“Hillman”). The Examiner incorrectly asserts that any of the references cited above and/or any combination of said patent references teach a “plurality of parallel channels” with equivalent structure, function, and result as disclosed and taught by the instant application for patent. Generally, all of the cited prior art require a motive force to induce bulk flow through a capillary system (i.e. pumps, external pressure gradients, etc.) Applicant’s instant invention produces a bulk flow passively with an extended capillary channel. Applicant believes that this capillary channel itself is novel and

patentable, in absence of any additional element claimed as part of a micro-fluidic system. Notwithstanding the foregoing, in order to assist with efficient prosecution, Applicant has amended independent claim 112, without admission or waiver, to adopt the exemplary, independent claim allowed by the Examiner. All remaining claims 113-130 depend from amended independent claim 112 and, thus, are similarly allowable. Additionally, claim 131 is herein, without admission or waiver, cancelled.

Accordingly, Applicant submits that amendment of claim 112, the housekeeping amendments to claims 114, 119, and 122, and the cancellation of claim 131 renders these rejections moot and requests withdrawal of any rejections of these claims.

CONCLUSION

Applicant submits that the application is in condition for examination on the merits and that all pending claims 19 claims (1 independent claim, 18 claims total) are patentable. Applicant respectfully requests allowance of all pending claims. The Examiner is invited to telephone the undersigned at (480) 968-3388 at the Examiner's convenience, if that would help further prosecution of the subject Application.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 50-4590. **This statement does NOT authorize charge of the issue fee.**

Respectfully submitted,

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